CITY OF DANBURY

OFFICE OF THE MAYOR
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

MARK D. BOUGHTON
MAYOR

(203) 797-4511
FAX (203) 796-1666
m.boughton@danbury-ct.gov

Testimony
Mark D. Boughton
Mayor, City of Danbury
Before the Planning & Development Committee
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Re: SB-440 AN ACT AUTHORIZING AMOUNTS IN THE CLEAN WATER FUND TO BE USED FOR PHOSPHORUS REMOVAL.

The City of Danbury supports the intent of SB-440. The bill recognizes that a number of Connecticut municipalities are faced with staggering costs associated with the state Department of Energy & Environmental Protection's (DEEP) plan to implement requirements relative to phosphorus removal. Although making Clean Water Fund moneys available for municipal water pollution control projects concerning phosphorus removal is helpful, it does not begin to cover the costs associated with DEEP's impending requirements relative to phosphorus removal. In addition, SB-440 fails to address concerns that there are more workable, cost-effective approaches to DEEP's requirements that will reduce phosphorus levels to protect rivers and streams without imposing crippling costs on our communities.

The testimony of the Wallingford Public Works Director details the enormous compliance burdens faced by many Connecticut municipalities associated with DEEP's proposed permit requirements relative to phosphorus discharge limits. We understand that these requirements are driven by U.S. Environmental Agency ("EPA") initiatives but believe that the DEEP should work with the regulated community to develop a workable approach to this problem that will not impose crippling costs on our communities. We intend to work closely with DEEP in developing an approach that protects our environment based on sound, science-based methodologies that at the same time will not impose huge and untenable costs on our taxpayers and ratepayers.

As stated, the DEEP is in the process of developing draft permits, with new limits for phosphorus, for operators of WWTP's that discharge into certain rivers and streams. The DEEP has determined that these discharges result in phosphorus levels that promote the growth of certain organisms. The DEEP maintains that this is the primary cause for streams failing to meet their designated use classifications. Yet there is no scientific evidence that elevated phosphorus levels in streams and rivers pose a direct hazard to public health. In short, this is not a public safety issue.

Moreover, for Danbury, which discharges treated effluent into the Still River and Housatonic River, even a one hundred percent reduction in phosphorus loading from our plant would not reduce the phosphorus that flows into the Housatonic from upstream communities.

Existing Conditions:

- Danbury's existing NPDES permit requires phosphorus removal to seasonal limits of 1 mg/l from May 1 through September 30.

- In July 2008, Danbury implemented a multi-point chemical addition treatment system for phosphorus reduction which has resulted in an approximate removal of 90% of the influent phosphorus loading for an average monthly discharge of 0.51 mg/l which is well below our current permitted limit of 1 mg/l. We also worked with CT DEEP to extend the phosphorus treatment season for 2 additional months (April & October).

Danbury's Concerns:

- Requiring Danbury to remove phosphorus to concentrations of 0.1 mg/l or less will result in an approximate reduction of 98% of the influent phosphorus load, but the capital cost of this additional 8% of improved phosphorus removal over current treatment is very significant ($30 million). In addition, annual operating costs will increase by $300,000 to $500,000. The average residential sewer customer rate will increase dramatically.

- While we certainly understand the role we play in providing good environmental stewardship through the continual operation of our WPCF to permitted NPDES levels, we strongly question the limits of proposed phosphorus removal when it is clear to us that the reduction of phosphorus load from the WPCF to the Still River is unlikely to reduce ambient nutrient levels in the river to a concentration that will result in improved water quality.

- In fact, even with a complete elimination of the WPCF phosphorus load, we are very concerned that the downstream concentrations would likely still not be phosphorus limited and thus have a beneficial impact on reducing algal production.

Discharge Limit (ppm)	Capital Cost	Annual Operating Cost	Typical Customer Rate Increase
0.1	$30 million	$300,000 - $500,000	67%

In addition to the staggering costs for compliance with the proposed limits, Danbury and numerous other municipalities facing these costs have significant concerns about the DEEP's approach. I will not repeat the testimony of others, pointing out these serious shortcomings, but suffice to say that these issues provide compelling reasons for stepping back from a flawed permit process and working cooperatively on the federal, state and local levels to develop science-based, cost effective answers.

This is why Danbury joins with the other communities that use our WWTP in welcoming the opportunity to engage in a meaningful dialogue with the DEEP and the U.S. EPA to tackle the complicated and as yet unresolved scientific issues relating to the effect of reduction in phosphorus loading to Connecticut's river basins.

I therefore urge lawmakers to assist us in developing and implementing a more workable, cost-effective approach to comply with EPA standards. The City of Danbury is prepared to work with state and federal agencies to arrive at a workable solution to this issue. We would welcome any support your committee can provide us in developing reasonable compliance alternatives.